

U.S. Application No. 10/691,352, filed October 22, 2003  
Response dated August 24, 2006  
In Reply to Office Action of April 24, 2006

### REMARKS

Claims 44-94 are pending. Claims 44-94 were rejected in the Office Action dated April 24, 2006 ("Office Action").

Claims 44, 45, 49-51, 54, 55 and 59-63 stand rejected on the grounds of nonstatutory obviousness-type double patenting. A timely filed terminal disclaimer is enclosed. It is respectfully requested that the rejection be withdrawn with respect to claims 44, 45, 49-51, 54, 55 and 59-63.

Claims 44-47, 49-57, 59-61, 64,65, 67-70, 72-75, 77-80, 82-85 and 87-93 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,621,189 ("Kumar"). Applicants respectfully traverse the rejection as set forth below.

To maintain an anticipation rejection, each and every element as set forth in the claims must be described in Kumar. It is respectfully submitted that Kumar does not describe each and every element as set forth in independent claim 44, for example. Claim 44 recites, in part, "***said device having an open condition*** providing access to said interior space while said device housing is in said open condition ***to enable connection with said interior electrical connector*** of a peripheral device equipping the device to perform a new function".

The Office Action states that Kumar at FIG. 2 illustrates the open condition. However, projecting pin contacts 26 will not be connected to recessed pin sockets 28 until the device housing 12 is in a closed condition. In Kumar, it is the closed condition (i.e., the opposite of the open condition) that enables the connection with the alleged interior electrical connector (i.e., recessed pin sockets 28). Thus, Kumar does not describe at least these elements as set forth in claim 44.

It is therefore respectfully requested that the anticipation rejection be withdrawn with respect to claims 44-47.

Applicants respectfully note that, with respect to any present or future obviousness rejections based, in part, on Kumar, Kumar teaches away from the claimed subject matter as set forth in claim 44, for example. Applicants respectfully draw the attention of the Examiner to M.P.E.P. § 2145(X)(D)(1) which states that a "prior art reference that 'teaches away' from the

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claimed invention is a significant factor to be considered in determining obviousness". Accordingly, Applicants believe that it would be improper to combine Kumar with another document since Kumar teaches away from the claimed invention as set forth in claim 44, for example.

Language similar in some respects to the language recited in claim 44 can be found in at least some of the claims rejected under an anticipation rejection based on Kumar. It is respectfully requested that the Examiner reconsider the anticipation rejection of claims 49-57, 59-61, 64,65, 67-70, 72-75, 77-80, 82-85 and 87-93.

Claims 48, 58, 62, 63, 66, 71, 76, 81, 86 and 94 stand rejected under 35 U.S.C. § 103(a) as being obvious over Kumar and another cited patent document.

It is respectfully submitted that Kumar may teach away from the claimed inventions as set forth in the independent claims from which claims 48, 58, 62, 63, 66, 71, 76, 81, 86 and 94 depend. In particular, Applicants respectfully draw the attention of the Examiner to M.P.E.P. § 2145(X)(D)(1) which states that a "prior art reference that 'teaches away' from the claimed invention is a significant factor to be considered in determining obviousness". It is respectfully submitted that an obviousness rejection based on, in part, on Kumar may be improper in view of M.P.E.P. § 2145(X)(D)(1).

It is respectfully requested that the Examiner reconsider the obviousness rejections based, in part, on Kumar with respect to claims 48, 58, 62, 63, 66, 71, 76, 81, 86 and 94.

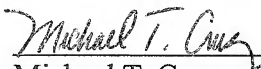
In view of at least the foregoing, it is respectfully submitted that the pending claims 44-94 may be in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

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The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: August 24, 2006

Respectfully submitted,

  
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Attachment: Terminal Disclaimer (2 Pages)